



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/511,586

06/21/2005

Jean-Marc Scherrer

0502-1020

4528

466 7590 12/24/2008

YOUNG & THOMPSON  
209 Madison Street  
Suite 500  
ALEXANDRIA, VA 22314

EXAMINER

LAUX, JESSICA L

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

12/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/511,586	<b>Applicant(s)</b> SCHERRER ET AL.	
	<b>Examiner</b> JESSICA LAUX	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (5058299).**

Claim 1. Suzuki discloses a device intended to guarantee the tension and free access to a reverse face of a canvas (4) stretched on support means (5), and constituting a decorative element of a wall or ceiling element, comprising at least one zippered mechanical closure (10, 11), which extends over at least part of at least one of the dimensions of said wall (where it is disclosed as being on all four sides or just two),

wherein the canvas is constituted by an elastic material (Col. 4, lines 21-25, lines 33-35; Col. 9, lines 13-17) and in that its dimensions of said canvas, before being placed under tension, are less than those of the support means, and wherein the tension of the canvas is guaranteed by said closure itself, to the exclusion of any other tensioning element thereof.

Claim 4. 4Device according to claim 1, wherein the canvas is constituted by polyvinyl chloride or PVC (Col. 4, lines 21-25, where PVC is a vinyl film).

**Claims 1, 5, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Springer (4858561).**

Art Unit: 3635

Claim 1. Springer discloses a device intended to guarantee the tension and free access to a reverse face of a canvas (12) stretched on support means (30), and constituting a decorative element of a wall or ceiling element, comprising at least one zippered mechanical closure (24,26), which extends over at least part of at least one of the dimensions of said wall,

wherein the canvas is constituted by an elastic material (Col. 2, lines 23-25) and in that its dimensions of said canvas, before being placed under tension, are less than those of the support means, and wherein the tension of the canvas is guaranteed by said closure itself, to the exclusion of any other tensioning element thereof (disclosure and drawings).

Claims 5, 6. Device according to claim 1, wherein the decorative element presents the form a cylinder with a polygonal base and the closure is disposed along one of the generatrices thereof (figure 1)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-3, 7-9, 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (5058299).**

Claims 2-3, 10-13: Suzuki discloses the device according to Claim 1, but does not disclose that the dimension of the canvas, in the direction in which the closure

Art Unit: 3635

extends, is less than that of its support means by a quantity included between 0.5 and 3% and preferably of the order of 2% or by 0.5 and 15% and preferably the order of 7%.

However applicant has not disclosed that the claimed dimension provide an advantage or solve a stated problem. Further applicant has disclosed a broad range of dimensions with several "preferable" options. Additionally it is know that when applying or intending for tension in a material it should be dimensioned smaller than the support to which it is applied to allow for tension when stretching/flexing/applying the material to the support. It therefore appears to be a matter of design choice that would have been obvious to one of ordinary skill in the art to have various dimensions of the canvas depending on the use of the structure and what forces would be applied to the canvas in determining how much tension would be necessary and therefore what dimension the canvas should be.

Claims 7, 8, 9. Suzuki does not expressly disclose how the zipper is attached to the canvas. However it would have been obvious and well within the general skill and common sense of one of ordinary skill in the art to try attaching the zipper elements by adhesion, high frequency welding or stitching in an attempt to provide a secure, strong and lasting connection of the zipper parts to the sheet and canvas, as a person with ordinary skill has good reason pursue known techniques/options within his or her technical grasp.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3635

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA LAUX whose telephone number is (571)272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./  
Supervisory Patent Examiner, Art Unit 3635

/J. L./  
Examiner, Art Unit 3635